

Bountiful City
Administrative Committee Minutes
April 27, 2009
5:00 P.M.

Present: Acting Chairman, Dave Badham; Assistant City Engineer, Lloyd Cheney;
 Committee Member, John “Marc” Knight; Assistant Planner Dustin Wright;
 Assistant Planner Doug Howard and Recording Secretary Cindy Gruendell.

Excused: Aric Jensen, City Planner

1. Acting Chairman Badham opened the meeting at 5:15 p.m. and introduced everyone present.
2. Approval of minutes for April 13, 2009.

Mr. Badham noted that he was not present for the April 13, 2009 meeting, so his name will need to be removed from “present”.

Mr. Knight made a motion to approve the minutes for April 13, 2009 as amended. Mr. Cheney seconded the motion. Motion passed 2 – 0 with Mr. Badham abstaining as he was not present at that meeting.

3. **Public Hearing** – Consider granting a Conditional Use Permit for an Accessory-In-Law Apartment at 196 West 2900 South, applicant Don Milne.

The applicant, Don Milne was present. Mr. Wright presented the staff report.

The property is located in a single family R-4 zone. Public complaint was received by the Code Enforcement Department about the home on this property being used as an illegal duplex. The Applicant provides the use of his basement for his mother-in-law. Because of the zoning and the desire to have family live in the basement of this single family home the applicant is applying for a Conditional Use Permit for an Accessory In-law Apartment to be in compliance with the Bountiful City Ordinances.

Staff recommends approval of a Conditional Use Permit for an Accessory-In-Law Apartment to the Committee with the following conditions:

1. Any issues outlined by the Administrative Committee are met.

2. The requirements outlined in the City Ordinance listed below must be met which states:

14-14-124 ACCESSORY IN-LAW APARTMENT

An accessory in-law apartment may be approved by the Administrative Committee as conditional use. An accessory in-law apartment shall meet all of the following criteria:

1. An accessory in-law apartment shall be established only within a single-family dwelling and shall require a building permit in accordance with the International Building Code. Accessory in-law apartments shall not be located in a duplex or multiple family dwelling unit.
2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner of the dwelling and shall be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.
3. Separate utility service connections shall not be allowed.
4. Common access between units shall be provided.
5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.
6. Water and sewer systems shall be adequate to handle the additional unit.
7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using only existing driveways. Any driveway and parking area shall be in compliance with this Title.
8. The approved conditional use permit and a deed restriction must be filed with the County Recorder.

The public hearing was opened and closed at 5:20, no comments were made, no public was present for this item.

Applicant Mr. Milne – he appreciates the approval. It is unfortunate that a neighbor would complain and cause all this work.

Mr. Knight – it is rare for the Committee to review a request for a Mother-In-Law Apartment where a Mother-In-Law is actually living in it.

Mr. Milne's Mother-In-Law (she did not state her name for the record) – she paid for the half the house and has lived there for 11 years.

Mr. Knight – this is just a way to make the property in compliance.

Mr. Badham – does a Mother-In-Law apartment to have a separate entrance?

Mr. Milne – the entrance to the basement unit is the backdoor to the main house as well.

Mr. Howard – if the unit is a self-contained living unit, ex. has a bathroom, kitchen and living space, it is considered an accessory apartment.

Mr. Knight – asked the applicant if he understand the provisions of what constitutes an Accessory-in-Law Apartment? This is non-transferable and the unit is only to be used for a relative.

Mr. Wright – if the property changes owners, the new owner would have to get a new permit.

Mr. Cheney – the Conditional Use Permit would go to the county to be recorded.

Mr. Wright – the property could not be sold as a duplex.

Mr. Badham – the property can not be used as a rental property; only a blood relative can live in the unit.

Mr. Milne – Yes, he understands

Mr. Cheney made a motion to approve the Conditional Use Permit for an Accessory-In-Law Apartment at 196 West 2900 South, applicant Don Milne with the conditions outlined in the Staff report. Mr. Knight seconded the motion. Voting was unanimous in favor.

4. Consider a Conditional Use Permit letter for a Home Occupation Business License for a construction business at 205 East 1200 South, Applicant Richard Miner, Hidden Peak Construction, LLC.

Mr. Knight made a motion to approve the Conditional Use Permit letter for a Home Occupation Business License for a construction business at 205 East 1200 South for Richard Miner as written. Mr. Cheney seconded the motion. Voting was unanimous in favor.

There were no other items and the meeting adjourned at 5:27 p.m.